

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>JIMMY LEE WILSON, SR.,</b> <i>Plaintiff</i>	:	<b>CIVIL ACTION</b>
	:	
	:	
<b>v.</b>	:	<b>NO. 23-CV-0909</b>
	:	
<b>BUCKS COUNTY CORRECTIONAL FACILITY, <i>et al.</i>,</b> <i>Defendants</i>	:	
	:	

**O R D E R**

**AND NOW**, this 6<sup>th</sup> day of April, 2023, upon consideration of Plaintiff Jimmy Lee Wilson, Sr.'s *Motion to Proceed In Forma Pauperis* (ECF No. 1), Prisoner Trust Fund Account Statement (ECF No. 7), and *pro se* Complaint (ECF Nos. 2, 3), it is hereby **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Jimmy Lee Wilson, Sr., #022319, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Warden of Bucks County Correctional Facility or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Wilson's inmate account; or (b) the average monthly balance in Wilson's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Wilson's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Wilson's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Warden of Bucks County Correctional Facility.

4. The Complaint is **DEEMED** filed.

5. For the reasons stated in the Court's Memorandum, the following claims are **DISMISSED, without prejudice**, for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii); *to wit*: (1) all claims against Warden Matelis, Deputy Warden Reed, and Captain Nottingham; (2) all claims against Lieutenant Manda; and (3) all claims of deliberate indifference to medical needs.

6. For the reasons set forth in the Court's Memorandum, Wilson's claims against Bucks County Correctional Facility are **DISMISSED, with prejudice**, for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

7. The Clerk of Court is **DIRECTED** to terminate Bucks County Correctional Facility as a Defendant in this case.

8. The Clerk of Court is **DIRECTED** to send Wilson a blank copy of the Court's standard form complaint for prisoners to use to file an amended complaint bearing the above civil action number.<sup>1</sup>

9. Wilson is given thirty (30) days to file an amended complaint in the event he can allege additional facts to state a plausible claims against Warden Matelis, Deputy Warden Reed, Captain Nottingham, or Lieutenant Manda, or claims based on deliberate indifference to medical needs. **If Wilson files an amended complaint, his amended complaint must be a complete document that includes all of the bases for Wilson's claims, including claims that the Court**

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<sup>1</sup> This form is available on the Court's website at <http://www.paed.uscourts.gov/documents/forms/frmc1983f.pdf>.

**has not yet dismissed if he seeks to proceed on those claims. Claims that are not included in the amended complaint will not be considered part of this case because the amended complaint becomes the pleading upon which the case will proceed.** Any amended complaint shall identify all defendants in the caption of the amended complaint in addition to identifying them in the body of the amended complaint, shall state the basis for Wilson's claims against each defendant, and shall bear the title "Amended Complaint" and the case number 23-0909. When drafting his amended complaint, Wilson should be mindful of the Court's reasons for dismissing his claims as explained in the Court's Memorandum. Wilson may not reassert a claim that has already been dismissed with prejudice. Upon the filing of an amended complaint, the Clerk shall not make service until so **ORDERED** by the Court.

10. If Wilson does not file an amended complaint the Court will direct service of his initial Complaint on Defendant Bunda **only**. Wilson may also notify the Court that he seeks to proceed on these claims rather than file an amended complaint. If he files such a notice, Wilson is reminded to include the case number for this case, 23-0909.

11. The time to serve process under Federal Rule of Civil Procedure 4(m) is **EXTENDED** to the date 90 days after the Court issues summonses in this case if summonses are issued.

**BY THE COURT:**

/s/ Nitza I. Quiñones Alejandro

**NITZA I. QUIÑONES ALEJANDRO**

*Judge, United States District Court*